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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/720,810

11/24/2003

John R. Haynes

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07/13/2005

IP LEGAL DEPARTMENT  
TYCO FIRE & SECURITY SERVICES  
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EXAMINER

PREVIL, DANIEL

ART UNIT

PAPER NUMBER

2636

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/720,810

Applicant(s)

HAYNES, JOHN R.

Examiner

Daniel Previl

Art Unit

2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/24/03; 1/12/04
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

Claims 1-53 are presented for examination.

### ***Double Patenting***

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-53 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-40 of copending Application No. 10/914,666. Although the conflicting claims are not identical, they are not patentably distinct from each other because the cited application 10/720,810 teaches each and every element of the claimed invention but fails to specify that the external source being a military agency. Since, the cited application discloses that the external source is NOAA. So, it would have been obvious to any skill artisan at the time the invention was made to interpret NOAA as a military agency that provides the same function thereby transmitting warning alert in case of fire for the safety purposes.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Capowski et al. (US 6,426,697) in view of Masone et al. (US 6,121,885).

Regarding claim 1, Capowski discloses a fire alarm system (col. 1, line 5) comprising: a fire alarm notification appliance (fig. 1); the fire alarm notification appliance providing notification of the warning alert in response to detection of the warning alert (fig. 1; col. 3, lines 55-67; col. 4, lines 1-5).

Capowski discloses all the limitations above but fails to explicitly disclose a warning detector which detects a warning alert from an external source.

However, Masone discloses a warning detector (fire smoke detector 12) (fig. 1) which detects a warning alert from an external source (fig. 1; col. 4, lines 62-67; col. 5, lines 26-33).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Masone's external source in Capowski. Doing so would modify notification appliance of Capowski with

Masone's external source in order to alert and evacuate efficiently people in case of fire or other natural disaster thereby saving lives in such situations as taught by Masone (col. 1, lines 24-27 and lines 50-51).

Regarding claim 2, Capowski discloses the fire alarm notification appliance providing notification in response to detection of a change in alert status of the warning alert (LED blinks every time the notification appliance 24 is polled) (col. 4, lines 1-5).

Regarding claims 3-4, Capowski and Masone disclose all the limitations in claim 1 and Masone further discloses a government Agency (NOAA) (abstract). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Masone's NOAA in Capowski. Doing so would modify notification appliance of Capowski with Masone's NOAA in order to alert and evacuate efficiently people in case of fire or other natural disaster thereby saving lives in such situations as taught by Masone (col. 1, lines 24-27 and lines 50-51).

Regarding claims 5-6, Capowski and Masone disclose all the limitations in claim 1 and Masone further discloses NOAA weather radio receiver 24 (fig. 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Masone's NOAA radio receiver in Capowski. Doing so would modify notification appliance of Capowski with Masone's NOAA radio receiver in order to receive accurately messages from

NOAA in case of fire or other natural disaster thereby precluding accident from happening taught by Masone (col. 1, lines 24-27 and lines 50-51).

Regarding claims 7-8, Capowski and Masone disclose all the limitations in claim 1 and Masone further discloses radio receiver 24 equipped to receive the warning alert (fig. 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Masone's NOAA radio receiver in Capowski. Doing so would modify notification appliance of Capowski with Masone's NOAA radio receiver in order to receive accurately messages from NOAA in case of fire or other natural disaster thereby precluding accident from happening taught by Masone (col. 1, lines 24-27 and lines 50-51).

Regarding claim 9, Capowski discloses one relay contact (contacts 92, 94) (fig. 7).

Regarding claim 10, Capowski discloses the interface comprising a serial interface (fig. 1).

Regarding claim 11, the examiner takes the official notice that "the warning detector receiving warning alerts via at least one of: Internet, telephone, and cellular phone" is well known in the art.

Regarding claim 12, Capowski discloses the fire alarm notification appliance providing notification of the detected warning alert by transmitting a voice message (col. 3, line 65).

Regarding claim 13, Capowski discloses the fire alarm notification appliance providing notification of the detected warning alert by transmitting a predefined audio pattern (audible alarm) (col. 3, lines 63-64).

Regarding claim 14, Capowski discloses the fire alarm notification appliance providing notification of the detected warning alert by transmitting a predefined flash pattern (Led blinks) (col. 4, lines 4-5).

Regarding claim 15, Capowski discloses the notification appliance providing different notifications for different warning alerts (fig. 2).

Regarding claim 16, Capowski a delay module which provides a delay before transmission of the notification warning (fig. 7; col. 8, lines 47-66; col. 10, lines 16-40; col. 11, lines 12-17).

Regarding claim 17, Capowski discloses a verification module which allows confirmation of the validity of the warning alert before transmission of the notification (col. 10, lines 16-64; col. 11, lines 12-17).

Regarding claim 18, the examiner takes the official notice that "a battery backup system" is well known in the art.

Regarding claim 19, Capowski discloses a visual annunciator comprising plural visual indicators used to indicate a current alert level (fig. 1; col. 3, lines 55-67).

Regarding claim 20, Capowski discloses visual indicators being light emitting diodes (col. 4, lines 1-5).

Regarding claim 21, Capowski discloses the visual indicators being color-coded (LED) (col. 4, lines 1-5).

Regarding claim 22, Capowski discloses the visual annunciator being incorporated into a fire alarm control panel (fig. 1).

Regarding claim 23, Capowski discloses the visual annunciator being a stand-alone device in communication with the warning detector (fig. 1).

Regarding claim 24, Capowski discloses the visual annunciator being incorporated into the fire alarm notification appliance (fig. 1).

Regarding claim 25, Capowski discloses a fire alarm system (col. 1, line 5) comprising: providing, from the fire alarm notification appliance, notification of the warning alert in response to detection of the warning alert (fig. 1; col. 3, lines 55-67; col. 4, lines 1-5).

Capowski discloses all the limitations above but fails to explicitly disclose detecting a warning alert from an external source.

However, Masone discloses detecting a warning alert from an external source (fig. 1; col. 4, lines 62-67; col. 5, lines 26-33).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Masone's external source in Capowski. Doing so would modify notification appliance of Capowski with Masone's external source in order to alert and evacuate efficiently people in case of fire or other natural disaster thereby saving lives in such situations as taught by Masone (col. 1, lines 24-27 and lines 50-51).



Regarding claim 26, Capowski discloses the fire alarm notification appliance providing notification in response to detection of a change in alert status of the warning alert (LED blinks every time the notification appliance 24 is polled) (col. 4, lines 1-5).

Regarding claims 27-28, Regarding claims 3-4, Capowski and Masone disclose all the limitations in claim 1 and Masone further discloses a government Agency (NOAA) (abstract). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Masone's NOAA in Capowski. Doing so would modify notification appliance of Capowski with Masone's NOAA in order to alert and evacuate efficiently people in case of fire or other natural disaster thereby saving lives in such situations as taught by Masone (col. 1, lines 24-27 and lines 50-51).

Regarding claims 29-30, Capowski and Masone disclose all the limitations in claim 1 and Masone further discloses NOAA weather radio receiver 24 (fig. 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Masone's NOAA radio receiver in Capowski. Doing so would modify notification appliance of Capowski with Masone's NOAA radio receiver in order to receive accurately messages from NOAA in case of fire or other natural disaster thereby precluding accident from happening taught by Masone (col. 1, lines 24-27 and lines 50-51).

Regarding claim 31-32, Capowski and Masone disclose all the limitations in claim 1 and Masone further discloses radio receiver 24 equipped to receive the

warning alert (fig. 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Masone's NOAA radio receiver in Capowski. Doing so would modify notification appliance of Capowski with Masone's NOAA radio receiver in order to receive accurately messages from NOAA in case of fire or other natural disaster thereby precluding accident from happening taught by Masone (col. 1, lines 24-27 and lines 50-51).

Regarding claim 33, Capowski discloses one relay contact (contacts 92, 94) (fig. 7).

Regarding claim 34, Capowski discloses the interface comprising a serial interface (fig. 1).

Regarding claim 35, the examiner takes the official notice that "the warning detector receiving warning alerts via at least one of: Internet, telephone, and cellular phone" is well known in the art.

Regarding claim 36, Capowski discloses the fire alarm notification appliance providing notification of the detected warning alert by transmitting a voice message (col. 3, line 65).

Regarding claim 37, Capowski discloses the fire alarm notification appliance providing notification of the detected warning alert by transmitting a predefined audio pattern (audible alarm) (col. 3, lines 63-64).

Regarding claim 38, Capowski discloses the fire alarm notification appliance providing notification of the detected warning alert by transmitting a predefined flash pattern (Led blinks) (col. 4, lines 4-5).

Regarding claim 39, Capowski discloses the notification appliance providing different notifications for different warning alerts (fig. 2).

Regarding claim 40, Capowski a delay module which provides a delay before transmission of the notification warning (fig. 7; col. 8, lines 47-66; col. 10, lines 16-40; col. 11, lines 12-17).

Regarding claim 41, Capowski discloses a verification module which allows confirmation of the validity of the warning alert before transmission of the notification (col. 10, lines 16-64; col. 11, lines 12-17).

Regarding claim 42, Capowski discloses a visual annunciator comprising plural visual indicators used to indicate a current alert level (fig. 1; col. 3, lines 55-67).

Regarding claim 43, Capowski discloses visual indicators being light emitting diodes (col. 4, lines 1-5).

Regarding claim 44, Capowski discloses the visual indicators being color-coded (LED) (col. 4, lines 1-5).

Regarding claim 45, Capowski discloses the visual annunciator being incorporated into a fire alarm control panel (fig. 1).

Regarding claim 46, Capowski discloses the visual annunciator being a stand-alone device in communication with the warning detector (fig. 1).

Regarding claim 47, Capowski discloses the visual annunciator being incorporated into the fire alarm notification appliance (fig. 1).

Regarding claim 48, Capowski discloses a fire alarm system (col. 1, line 5) comprising: providing, from the fire alarm notification appliance, notification of the warning alert in response to detection of the warning alert (fig. 1; col. 3, lines 55-67; col. 4, lines 1-5).

Capowski discloses all the limitations above but fails to explicitly disclose detecting a warning alert from an external source.

However, Masone discloses detecting a warning alert from an external source (fig. 1; col. 4, lines 62-67; col. 5, lines 26-33).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Masone's external source in Capowski. Doing so would modify notification appliance of Capowski with Masone's external source in order to alert and evacuate efficiently people in case of fire or other natural disaster thereby saving lives in such situations as taught by Masone (col. 1, lines 24-27 and lines 50-51).

Regarding claim 49, Capowski discloses the fire alarm notification appliance providing notification in response to detection of a change in alert status of the warning alert (LED blinks every time the notification appliance 24 is polled) (col. 4, lines 1-5).

Regarding claim 50, Capowski discloses a fire alarm system (col. 1, line 5) comprising: a system controller 14 (fig. 1); a plurality of fire alarm notification appliances in communication with the system controller (fig. 1); a warning detector 12 in communication with the system controller 14 (fig. 1); a visual

annunciator comprising plural color-coded indicator (fig. 1; col. 3, line 67), the visual annunciator being in communication with the warning detector and indicating a current alert level in response to a detected change in alert status (LED blinks every time) (col. 4, lines 1-5).

Capowski discloses all the limitations above but fails to explicitly disclose warning detector detecting a warning alert from an external source.

However, Masone discloses warning detector detecting a warning alert from an external source (fig. 1; col. 4, lines 62-67; col. 5, lines 26-33).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Masone's external source in Capowski. Doing so would modify notification appliance of Capowski with Masone's external source in order to alert and evacuate efficiently people in case of fire or other natural disaster thereby saving lives in such situations as taught by Masone (col. 1, lines 24-27 and lines 50-51).

Regarding claim 51, Capowski discloses the color-coded indicators being light emitting diodes (fig. 1; col. 3, line 67).

Regarding claim 52, Capowski discloses the visual annunciator being incorporated into any of: the system controller and at least one of the fire alarm notification appliances (fig. 1).

Regarding claim 53, Capowski discloses the visual annunciator being a stand alone device in communication with the warning detector (fig. 1).

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gropper (US 5,444,433) discloses a modular emergency or weather alert interface system.

Tarlton et al. (US 6,462,665) discloses a method and apparatus for sending a weather condition alert.

Lauterbach et al. (US 5,278,539) discloses alerting and warning system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Previl whose telephone number is (571) 272-2971. The examiner can normally be reached on Monday-Thursday. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel Previl  
Examiner  
Art Unit 2636

DP  
July 7, 2005.



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